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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,249	03/30/2004	Masayasu Fujio	ITECP012	8156
25920 7590 01/08/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER TRAN, DOUGLAS Q	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,249

Applicant(s)

FUJIO ET AL.

Examiner

Douglas Q. Tran

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/30/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, and 16-19 is/are allowed.
- 6) ☒ Claim(s) 9, 10, 13-15, 20, 21, and 23 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/27/06.

Tran
DOUGLAS Q. TRAN
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claim 12 is objected to because of the following informalities: "and" on line 4 should be "or". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-10, 13-15 and 20-21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuasa et al. (U.S. Pub. No. 2002/0118210 A1).

As to claim 9, Yuasa teaches an image processing apparatus (10 in fig. 2) that corrects color of an image, said image processing apparatus comprising:

an information storage module (i.e., the image data storage 101 in fig. 3) that stores at least one piece of color correction information (i.e., color measurement data X Y Z, in block 0080, which is stored in the image data storage 101 in fig. 3. In 0080 and 0081, the color

measurement data XYZ, which is the color correction data in used later at the output device such as the receiving side 20 in fig. 2 or a printer in block 0040, which is set or designated for color correction information in correspondence with the image data RGB), which is used to regulate a variation in color space (i.e., RGB of input image data) (In 0080 and 0081, the color measurement data XYZ which is set or designated for color correction information in correspondence with the color space of RGB of the image data) of an image processing device (10 in fig. 2) and to implement color correction of an image by color conversion different from the variation in color space (color value data in XYZ data would be different from the color space of RGB in fig. 5; the color value data in XYZ would be used for implement color correction "or adjustment" of the image G "RGB" at the output device "a printer" or the receiving side "20 in fig. 2", lines 7-9 at block 0040 and block 0049);

an image input module (i.e., image data input device 103g in fig. 3) that inputs an image (block 0058, an input terminal used to input an image information obtained by an image input device such as an camera or a scanner); and

a color correction information attachment module (i.e., image file generator 103f in fig. 3 which is describes in block 0075) that attaches the color correction information stored in said information storage module to the input image (block 0049; # 9 in fig. 4; block 0082 and in fig. 5 indicates that the color correction information "i.e., color value data in XYZ" is attached to the input image "i.e., image data RGB" in the image file F).

As to claim 10, Yuasa teaches an image processing apparatus in accordance with claim 9, wherein said color correction information attachment module (i.e., image file generator 103f in fig. 3 which is describes in block 0075) displays a list of the color correction information stored

in said information storage module and causes a user to select a desired piece of the color correction information for attachment to the input image (block 0075 describes that the image file generator 103f measures the color displayed in the display area of the registration palette 12b by means of the colorimeter 15, and generates an image file by attaching the color value data (X, Y, Z) obtained by the colorimeter 15 and the position data (x, y) of the color measurement to the image data (R, G, B) of the image G displayed in the image viewer 12a. When the end of the color measurement is instructed by operating the keyboard the image file F combining or attaching the file data, the image data (R, G, B) of the image G to be displayed on the display 22, the color value data (X, Y, Z) of the measured color).

As to claim 13, Yuasa teaches an image processing apparatus in accordance with claim 9, wherein the color correction information functions (colorimeter 15 in fig. 3) as color space information for regulating a variation in color space of the image generation device (i.e., color space of image in RGB that is displayed in viewer) (block 0075 describes that the image file generator 103f measures the color displayed in the display area of the registration palette by means of the colorimeter 15, and generates an image file by attaching the color value data (X, Y, Z) obtained by the colorimeter 15 and the position data (x, y) of the color measurement to the image data (R, G, B) of the image G displayed in the image viewer 12a. The image file generator 103f drives the colorimeter 15 every time a color to be measured is displayed in the display area AR2 of the registration palette 12b to obtain the color value data (X, Y, Z) of the display color, and stores it in correspondence with the image data (R, G, B) and the position data (x, y) in the image data storage 101).

As to claim 14, Yuasa teaches an image processing apparatus in accordance with claim 13, wherein the color space information is an ICC profile (block 0116 and fig. 15 indicating ICC profile is described as the color space information which is stored in a block of the output medium information data).

As to claim 15, Yuasa teaches an image processing apparatus in accordance with claim 9, said image processing apparatus further comprising:

an object image input module (i.e., image data input device 103g in fig. 3) that inputs an image as an object of generation of color correction information (#1 in fig. 4 indicates that the image from input devices “40 or 50 in fig. 3” is displayed by the display image generator “103a in fig. 3” in viewer 12 that would be an object for generating of color correction information later);

a color adjustment module (i.e., the colorimeter 15 in fig. 3) that performs color adjustment of the input image (#5 in fig. 4 indicates that display color to be measured by the colorimeter in display area, block 0079);

a color correction information generation module (i.e., image file generator 103f in fig. 3) that compares an original image (image data in RGB in fig. 5) prior to the color adjustment by said color adjustment module with a resulting color-adjusted image after the color adjustment (i.e., coordinate data of color measurement position in image in fig. 5) and generates color correction information (i.e., color measurement data in XYZ in fig. 5) (# 9 and #11 in fig. 4 indicates that color correction information such as color measurement in XYZ is generated and registered color in registration palette, block 0081);

a color correction information storage module (i.e., image file generator 103f in fig. 3 which is describes in block 0075) that stores the generated color correction information into said information storage module (i.e., the image data storage 101 in fig. 3), (# 15 in fig. 4; block 0082 and in fig. 5 indicates that the color correction information "i.e., color value data in XYZ" is attached to the image file F in the image storage 101, in last sentence of block 0075).

As to claim 20, Yuasa discloses an image processing method that corrects color of an image, said image processing method comprising the steps of:

(a) storing at least one piece of color correction information (i.e., color measurement data X Y Z, in block 0080, which is stored in the image data storage 101 in fig. 3. In 0080 and 0081, the color measurement data XYZ, which is the color correction data in used later at the output device such as the receiving side 20 in fig. 2 or a printer in block 0040, which is set or designated for color correction information in correspondence with the image data RGB), which is used to regulate a variation in color space (In 0080 and 0081, the color measurement data XYZ which is set or designated for color correction information in correspondence with the color space RGB of the image data) of an image processing device (10 in fig. 2) and to implement color correction of an image by color conversion different from the variation in color space (color value data in XYZ data would be different from the color space of RGB in fig. 5; the color value data in XYZ would be used for implement color correction "or adjustment" of the image G "RGB" in the output device "a printer" or the receiving side "20 in fig. 2", lines 7-9 at block 0040 and block 0049); and

(b) attaching the stored color correction information to an input image (block 0049; # 9 in fig. 4; block 0082 and in fig. 5 indicates that the color correction information "i.e., color value data in XYZ" is attached to the input image "i.e., image data RGB" in the image file F).

As to claim 21, Yuasa discloses An image processing method in accordance with claim 20, wherein said step (b) displays a list of the stored color correction information and causes a user to select a desired piece of the color correction information for attachment to the input image (block 0075 describes that the image file generator 103f measures the color displayed in the display area of the registration palette 12b by means of the colorimeter 15, and generates an image file by attaching the color value data (X, Y, Z) obtained by the colorimeter 15 and the position data (x, y) of the color measurement to the image data (R, G, B) of the image G displayed in the image viewer 12a. When the end of the color measurement is instructed by operating the keyboard the image file F combining or attaching the file data, the image data (R, G, B) of the image G to be displayed on the display 22, the color value data (X, Y, Z) of the measured color).

As to claim 23, Yuasa teaches an image processing method in accordance with claim 20, wherein the color correction information functions (colorimeter 15 in fig. 3) as color space information for regulating a variation in color space of the image generation device (i.e., color space of image in RGB that is displayed in viewer) (block 0075 describes that the image file generator 103f measures the color displayed in the display area of the registration palette by means of the colorimeter 15, and generates an image file by attaching the color value data (X, Y, Z) obtained by the colorimeter 15 and the position data (x, y) of the color measurement to the image data (R, G, B) of the image G displayed in the image viewer 12a. The image file

generator 103f drives the colorimeter 15 every time a color to be measured is displayed in the display area AR2 of the registration palette 12b to obtain the color value data (X, Y, Z) of the display color, and stores it in correspondence with the image data (R, G, B) and the position data (x, y) in the image data storage 101).

Allowable Subject Matter

5. Claims 1-8 and 16-19 allowed.

Claims 1 and 16 are independent claims.

The following is an examiner's statement of reasons for allowance:

As to **claims 1 and 16**, the present invention from the current application discloses a method and an apparatus for “an information retrieval module that sets the specific device identification information attached to the input image as a key of retrieval and retrieves specific color correction information stored in mapping to the specific device identification information in said information storage module; and a color correction information attachment module that, when the specific color correction information is retrieved corresponding to the specific device identification information attached to the input image, attaches the retrieved color correction information to the input image”.

The closest prior art such as Yuasa et al. (U.S. Pub. No. 2002/0118210 A1), which is used for rejection above, teaches the color correction information is set by the user and attached to input image; and Bernard et al. (US Patent No. 7,177,466 B1), which is recorded in the Examiner's Remark below, discloses color correction information including user specific HTML

and a color profile which embedded in the image file; ICC profile for the device characteristics of the reference image embedded in the image file.

However, from the prior art above, either separately or in combination, including an updated electronic text search, fails to anticipate or render the above underlined limitations obvious.

6. Claims 11-12 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and claim 12 would be allowable if that claim should be overcome the claim objection from above. The reasons for allowance are similar with the scope from claims 1 and 16.

Examiner's Remark

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bernard et al. (US Patent No. 7,177,466 B1) discloses color correction information including user specific HTML and a color profile which embedded in the image file; ICC profile for the device characteristics of the reference image embedded in the image file.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442. The Examiner can normally be reached on 8:30AM-5:00PM.


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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The Fax phone number for the organization where this application or processing is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dec. 20, 2007



DOUGLAS Q. TRAN
PRIMARY EXAMINER